

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JERRY CARTER GRAY, JR.,
Plaintiff,

v.

Case No. 2:22-cv-218-CLM-SGC

SOUTHERN HEALTH
PROVIDERS, et al.,
Defendants.

MEMORANDUM OPINION AND ORDER

Plaintiff Jerry Carter Gray, Jr. sues under 42 U.S.C. § 1983, alleging claims of deliberate indifference to serious medical needs and retaliation. (Doc. 12). In his amended complaint, Gray alleges that the individual defendants confiscated his prosthetic leg for 37 days with no justification and retaliated against him for filing this lawsuit. (*Id.*). The magistrate judge has entered a report recommending the court (1) dismiss without prejudice defendants Southern Health Providers and the Shelby County Jail for failure to state a claim upon which relief can be granted, (2) dismiss without prejudice all claims for damages against the remaining defendants in their official capacities because Eleventh Amendment immunity bars those claims, and (3) refer the remaining claims to her for further proceedings. (Doc. 13). The magistrate judge advised Gray of his right to object to the report within 14 days. But the court hasn't received any objections.

After considering the record and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. (Doc. 13). Consistent with that recommendation and 28 U.S.C. § 1915A(b), the court **DISMISSES WITHOUT PREJUDICE** all claims against Southern Health Providers and the Shelby County Jail. The court also **DISMISSES WITHOUT PREJUDICE** all claims for damages against the remaining defendants in their official capacities.

The court refers the remaining claims to the magistrate judge for further proceedings.

Done and Ordered on March 14, 2023.

A handwritten signature in cursive script, reading "Corey L. Maze", is written over a horizontal line.

COREY L. MAZE
UNITED STATES DISTRICT JUDGE